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UBER TECHNOLOGIES, INC.
17 and OTTOMOTTO LLC

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 SAN FRANCISCO DIVISION

21 WAYMO LLC,
22 Plaintiff,
23 v.
24 UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,
25 Defendants.

26 Case No. 3:17-cv-00939-WHA

27
28 **DECLARATION OF
MICHELLE YANG IN SUPPORT OF
DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
THEIR OPPOSITION TO WAYMO'S
MOTION TO COMPEL FURTHER
DEPOSITIONS AND
INTERROGATORIES**

1 I, Michelle Yang, declare as follows:

2 1. I am an attorney at the law firm of Morrison & Foerster LLP. I make this
 3 declaration based upon matters within my own personal knowledge and if called as a witness, I
 4 could and would competently testify to the matters set forth herein. I make this declaration in
 5 support of Defendants' Administrative Motion to File Under Seal Their Opposition to Waymo's
 6 Motion To Compel Further Depositions and Interrogatories.

7 2. I have reviewed the following documents and confirmed that only the portions
 8 identified below merit sealing:

Document	Portions to Be Filed Under Seal	Designating Party
Opposition to Waymo's Motion to Compel ("Opposition")	Highlighted Portions	Defendants (Blue) Plaintiff (Green) Non-parties Anthony Levandowski and/or Lior Ron (Yellow) Non-parties Sandstone Group, Tyto LiDAR, and Ognen Stojanovski (Yellow)
Exhibit 1	Highlighted Portions	Defendants (Blue) Plaintiff (Green) Non-parties Anthony Levandowski and/or Lior Ron (Yellow)
Exhibit 2	Highlighted Portions	Plaintiff (Green)
Exhibit 3	Highlighted Portions	Defendants (Blue)
Exhibit 4	Entirety	Non-parties Sandstone Group, Tyto LiDAR, and Ognen Stojanovski
Exhibit 6	Highlighted Portions	Defendants (Blue)
Exhibit 8	Highlighted Portions	Defendants (Blue)
Exhibit 9	Entirety	Non-parties Anthony

		Levandowski and/or Lior Ron
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3. The blue-highlighted portions of Exhibits 1 and 3 contain highly confidential
 4 information regarding the technical features, development, evolution, and design considerations
 5 of Uber's LiDAR systems. This highly confidential information is not publicly known, and its
 6 confidentiality is strictly maintained. I understand that disclosure of this information could allow
 7 competitors to obtain a competitive advantage over Uber by giving them details into the technical
 8 development of Uber's LiDAR sensors, such that Uber's competitive standing could be
 9 significantly harmed.

10. 4. The blue-highlighted portions of the Opposition and Exhibit 6 contain confidential
 11 information regarding financial and commercial terms of Uber's business agreements, and
 12 correspond to terms for which the Court granted sealing in the Draft Term Sheet; the Court found
 13 that this confidential business information merited sealing. (Dkt. 550 at 3.) They also identify
 14 business terms with respect to Otto Trucking for which the Court granted sealing in the draft
 15 Term Sheet. In addition, the blue-highlighted portions of Exhibit 8 contain confidential
 16 information regarding business agreement terms of a Merger Agreement for which the Court has
 17 granted sealing. If this information were disclosed, I understand that competitors and
 18 counterparties could obtain a competitive advantage by tailoring their negotiation or business
 19 strategy such that Uber's competitive standing could be harmed.

20. 5. The yellow-highlighted portions of the Opposition and Exhibit 1, as well as the
 21 entirety of Exhibit 9, contain information designated confidential by counsel for non-parties
 22 Anthony Levandowski and/or Lior Ron. Defendants expect these non-parties to file supporting
 23 declarations as needed.

24. 6. The yellow-highlighted portions of the Opposition and entirety of Exhibit 4 may
 25 contain confidential information of non-parties Sandstone Group, Tyto LiDAR, and Ognen
 26 Stojanovski, who have requested that their confidentiality interests be respected in this
 27 proceeding. (Dkt. 1533.) Defendants expect these non-parties to file supporting declarations if
 28 needed.

1 7. The green-highlighted portions of the Opposition and Exhibits 1-2 contain
2 information that has been designated “Highly Confidential – Attorneys’ Eyes Only” by Waymo in
3 accordance with the Patent Local Rule 2-2 Interim Model Protective Order (“Protective Order”),
4 which the parties have agreed governs this case (Transcript of 3/16/2017 Hearing, page 6).
5 Defendants file this material under seal in accordance with Paragraph 14.4 of the Protective
6 Order.

7 8. Defendants' request to seal is narrowly tailored to the portions of the Opposition
8 and its supporting papers that merit sealing.

I declare under penalty of perjury that the foregoing is true and correct. Executed this
26th day of September, 2017 in San Francisco, California.

11 _____
12 /s/ *Michelle Yang*
Michelle Yang

ATTESTATION OF E-FILED SIGNATURE

16 I, Arturo J. González am the ECF User whose ID and password are being used to file this
17 Declaration. In compliance with General Order 45, X.B., I hereby attest that Michelle Yang has
18 concurred in this filing.

19 || Dated: September 26, 2017

/s/ Arturo J. González

ARTURO J. GONZÁLEZ